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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fourth periodic reports of States parties due in 2000

Addendum

ARMENIA*

[Original: RUSSIAN]
[24 July 2001]

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* This document contains the third and fourth periodic reports of Armenia, submitted in one document, due on 23 July 1998 and 2000 respectively. For the initial to second periodic reports of Armenia, submitted in one document, and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/289/Add.2 and CERD/C/SR.1262, 1263 and 1272.

The information submitted by Armenia in accordance with the guidelines for the initial part of the reports of States parties is contained in document HRI/CORE/1/Add.57.

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Introduction

1. This is the third periodic report submitted by the Government of Armenia on measures to implement the International Convention on the Elimination of all Forms of Racial Discrimination under article 9, paragraph 1, of the Convention, which was ratified by the National Assembly of the Republic of Armenia on 23 July 1993.

2. This report has been prepared in the light of the concerns and recommendations of the Committee on the Elimination of Racial Discrimination following its consideration of the initial and second periodic reports of Armenia at its meetings on 12 and 13 March 1998.

General

3. The supremacy of the law is guaranteed under article 6 of the Constitution of the Republic of Armenia. The principles of equality are enshrined in article 15, which states that "Citizens, regardless of national origin, race, sex, language, creed, political or other views, social origin, wealth or other status, shall have all the rights, freedoms and duties established by the Constitution and the laws."

4. Guided by the principle of universal equality, rejecting racial supremacy, and as a signatory to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of all Forms of Racial Discrimination, and the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Republic of Armenia has in recent years continued its efforts to ensure full implementation of these Conventions in the spheres of law and administration. The Armenian Constitution and Criminal Code, the common section of which has been passed by the National Assembly in third reading, specially drafted specific statutes and various socio-economic and cultural programmes afford the necessary basis for this purpose.

Population

5. Armenia is a mono-ethnic State. Armenians make up 97-98 per cent of the population. The country is also home to over 10 other nationalities, which account for between 2 and 2.5 per cent of the indigenous population. Armenia is their second homeland and as far as possible they participate actively in the economic and cultural development of the country.

Assyrians

6. The modern Assyrians are the descendants of the ancient Assyrians. Numerous sources attest that, following the collapse of Assyria, the Assyrians were neither annihilated nor assimilated. They have lived alongside the Armenians for a substantial historical period. They adopted Christianity in the first century AD. After the Russo-Persian war of 1826-1828, Assyrian families settled in Erevan province, the villages of Koilasar (Dimitrov) in Ararat *marz* (province), Dvin Aisor (Venn Dvin) and Arzni in Kotaik *marz*,[1] and Sherior (Artagers) in Armavir *marz*. Descendants of the original settlers still live in these villages today, and

[1] A *marz* is an Armenian territorial unit.

about 500 also live in Erevan. In 1886 the Assyrian population of Erevan numbered 1,800. By 1914 their numbers had risen to approximately 2,500, and by 1989 to 9,000. There are currently 7,000 Assyrians living in Armenia.

Georgians

7. The legend of the brothers Kartlos and Hayos, which refers to the oldest period of Georgian history, is no fantasy. The bravest and wisest kings of Georgia, who waged the Georgian people's national liberation wars (Bagrat IV, David the Builder, Queen Tamara, and Irakly II), were always sympathetic to the descendants of Hayos. They more than once helped to wrest Ani and other Armenian towns from the Seljuk Turks. Bagrat III and King Gagik I of Armenia inflicted a crushing blow on the invading forces of Amir Mamlun. During the dark period of the Seljuk invasions, Armenia and Georgia endured this terrible disaster together, without foreign support.

8. In the nineteenth and twentieth centuries, leading lights of the two peoples - Chavchavadze, Tsereteli, Grishashvili, Tumanyan, Demirchyan, Charents and others - argued in favour of brotherhood between Armenians and Georgians, reminding the two peoples with genuine affection that Hayos and Kartlos were brothers.

9. There is currently a Georgian society with 110 members, most of whom live in Erevan with a small contingent in Vanadzor (20 people). The members of the society can trace their Georgian ancestry back at least three generations. Most speak Georgian.

Jews

10. In the second and first centuries BC (140-50 B.C.), predominantly during the conquests of Tigran the Great, tens of thousands of Jewish families from the Near East settled in Armenia. There were many Jewish settlements around Lake Van, and also in the new capital Tigranakert. According to the scanty evidence available, the Jewish community in nineteenth-century Armenia was not homogeneous, being divided into two subethnic groups - the Kurdish Jews and the European Jews or Ashkenazim. The spoken language of the Kurdish Jews was based on Assyrian with borrowings from ancient Hebrew intermixed with Turkish, Kurdish, Persian, Armenian, and even Russian words.

11. The European Jews or Ashkenazim settled in Armenia later than the Kurdish Jews - in the 1840s and 1850s. They originated mainly from the urban and rural provinces of Russia, and most spoke Yiddish, later Russian. According to 1897 census data, 924 Jews lived in Erevan province and professed Judaism; 799 of them spoke Yiddish and 125 Russian. Data from the USSR census of 1989 reveals that, linguistically, the Jewish population has become much more assimilated: only 25.9 per cent consider Yiddish their mother tongue, as against 68.3 per cent Russian and 5.6 per cent Armenian.

12. Most of the Armenian Jewish community (over 90 per cent) lives in Erevan, and the rest in Gyumri, Vanadzor, Dilijan, and elsewhere. There are currently 700 Jews living in Armenia.

Kurds

13. The designation "Kurd" applies to Muslim Kurds and those Yezids who refer to themselves as Yezid Kurds. The Yezids who have retained their ancient faith (sun-worship) consider themselves a separate nation.

14. Historical evidence indicates that Kurdish tribes were present in Eastern Armenia in the early nineteenth century. During the First World War, the vast majority of Yezid Kurds moved from the provinces of Kars, Surmalin and Van to settle in present-day Aparan, Talin, Armavir, Echmiadzin, Masis, Ararat, Ashtarak, and Artashat *marzer*, and also in Georgia - mostly in cities such as Tbilisi, Batumi and Telavi.

15. In Armenia, the Yezid Kurds live in villages in Aragats, Armavir, and Ararat *marzer*. A very large number live in the ethnically mixed villages of the Ararat valley. There are also Yezid Kurdish populations in Erevan, Gyumri, Vanadzor, Abovyan, Dilijan, Stepanavan and Tashir. Owing to various internal inconsistencies in the data from the Kurdish and Yezid communities, we must await the results of the new census scheduled for the end of 2001.

Russians

16. Russo-Armenian relations go back many centuries. According to census data, the Russian population of Armenia was highest in 1979, when it stood at 70,300. Russian emigration from Armenia to the Russian Federation increased in the 1980s and by 1989 the Russian population had fallen to 51,000. Since the beginning of 1990 the process has accelerated markedly and the Russian population has shrunk to between 12,000 and 13,000. Of these, approximately 5,000 are "molokane" who were exiled to the Transcaucasus in the nineteenth century on account of their religious convictions. Most of the Russian population lives in the capital, Erevan, but Russians also live in Gyumri, Vanadzor, Razdan, Sevan, Dilijan, Fioletovo, Lermontov, and elsewhere.

Germans

17. The idea of settling Germans in the Caucasus, including Armenia, was dreamed up in 1816-1818 by the leaders of a religious community in Württemburg. The Protestant pastors of this community proclaimed the approach of doomsday, the destruction of all peoples and the second coming of Christ, which would usher in a "millennial kingdom" of peace and justice. These predictions and miracles would come to pass in 1836. The place of salvation would be Transcaucasia, near Mount Ararat, where the "millennial kingdom" would be founded.

18. At the present time Armenia's Germans are scattered throughout the country. In 1999, of the 97 families in the German community, 56 were living in Erevan, 13 in Vanadzor, and 2 or 3 each in Gyumri, Oktemberyan, Abovyan, Garni, Byurakan, Noemberyan, Artashat, and Akhuryan *marzer*. The Germans who live in Armenian cities tend to have a higher education, whereas those in rural areas mainly work the land. It should be noted that the overwhelming majority of Germans living in Armenia are Russian-speaking.

Poles

19. The appearance of Poles in Armenia is conventionally dated to the second half of the nineteenth century. The Poles are doughty warriors, and many served in the tsarist army and took part in military operations in Transcaucasia and Turkey. They married local Armenian women. During the Armenian genocide of 1915 in the Ottoman Empire and Western Armenia in 1915, they shifted to settle in Eastern Armenia.

20. During the Second World War, Poles from Southern Ukraine, Lvov, Brest and elsewhere were evacuated to Armenia. After the war, qualified personnel from former USSR republics also moved to Armenia with Polish wives. Many Armenians married Polish women. Armenia's Poles are scattered throughout the country. There are 210 Poles in Erevan and approximately 100 more in various *marzer* around the country.

Ukrainians

21. The establishment of the first Ukrainian settlements in Armenia dates back to the mid-nineteenth century. A second wave of settlers arrived when Armenia was incorporated into the USSR and industry, science and education were developed on a large scale. During that period large numbers of Ukrainians migrated to Armenia, including specialists in various fields, technicians and teachers.

22. The 1989 census revealed that there were 8,341 Ukrainians in Armenia. Today, at a rough estimate, there are some 3,500. They live all over Armenia - in Erevan, Abovyan, Vaik, Stepanavan, Kapan, Armavir, Razdan, Charentsavan, Echmiadzin, and elsewhere. Half of them have a higher education. Ten per cent have jobs. Since many of them came to Armenia in the 1930s and 1940s, more than half are now pensioners.

Greeks

23. Before 1991 there were between 10,000 and 12,000 Greeks living in Armenia. Their level of educational attainment was very high: in every family there were two or three people with a higher education. Mixed marriages were very common. The families were generally bilingual in Armenian and Greek. The children were educated in Russian or Armenian.

24. The migratory trends of the 1990s have also affected the Greek population. Many people with relatives in Greece have left to join them. Today some 6,000 Greeks live in Armenia, mainly in Erevan, Stepanavan, Alaverdi, Vanadzor, and Hrazdan (village of Ankavan).

Belarusians

25. This is one of the smallest minority communities in Armenia, numbering some 100 persons at the present time.

Article 1

26. As mentioned in paragraphs 6-8 and 12-14 of Part I of the initial report of Armenia, at the beginning of the twentieth century a monstrous campaign of genocide was unleashed against the population of Western Armenia (at that time part of the Ottoman Empire), as a result of which over 1.5 million innocent people perished. Those Armenians who by a miracle managed to escape the inhuman persecution, pogroms, oppression and deportations were scattered across the globe; they now form a diaspora which is almost double the size of the population of modern-day Armenia.

27. The tendency of Armenians to concentrate in their homeland has become more marked since the proclamation of an independent Armenia in 1991. This inward migration has been fuelled by another genocide against Armenians, namely the mass pogroms and killings committed in 1988-1989 in the cities of Sumgait, Kirovabad, Baku and other population centres in neighbouring Azerbaijan. As noted in paragraph 9 of the previous report, some 350,000 Armenian refugees lost their homes and property in these events.

28. The catastrophic earthquake of 1988 resulted in even greater casualties (it is estimated that upwards of 25,000 people perished) and strengthened the feeling of solidarity among all ethnic groups in Armenia. Throughout Armenian history, relatively small national minorities have enjoyed special respect, consideration, and the same freedoms as Armenians.

29. The most recent official population census in Armenia dates from 1989. As has been noted, another census is scheduled for 2001. In view of political, economic and social changes and migration patterns (according to unofficial statistics, in the last few years alone approximately 700,000-800,000 people have left Armenia), the distribution of the various ethnic groups in the country has changed significantly.

30. Paragraphs 20-22 of the previous periodic report contain a brief account of the activities and aims of the Union of Nationalities of Armenia, which was founded in 1994.

31. Since its inception the Union has organized approximately 70 events. Meetings have been arranged with national leaders, clergymen, and representatives of foreign missions, embassies, and international organizations. Acting upon a decision of the Institute of Oriental Studies of the Armenian National Academy of Sciences, the Union of Nationalities and the Centre for the Settlement of Conflicts have published a digest entitled *Nationalities of Armenia* in Russian and English.

32. Another initiative of the Union of Nationalities has been the formation of a "Sisters of Mercy" team comprising 15 nurses. This is a voluntary organization which provides care for 350 disabled and bedridden persons.

33. The Union has set up commissions to deal with social and economic questions, and issues pertaining to women, children, health care, education, and cultural activities.

34. The Union collaborates closely with the National Assembly, the Ministry of Foreign Affairs and other ministries.

35. An Association of National Voluntary Organizations has been in operation since August 1999. It comprises a federation of seven Greek voluntary organizations, the "Patrida" Greek voluntary organization, the "Ashour" Assyrian association, the "Russia" voluntary organization, the "Rosma" Russian association, the "Chervona Kalina" Ukrainian association, the "Morgehai Navi" Jewish community, the "Menorah" Jewish cultural centre, and the Yezid National Committee. Since its creation the Association has been involved in a broad range of social and cultural activities. A Yezid political party, "Yezidkhana", is also active in Armenia.

36. The statutes of these various organizations define specific spheres of activity to do with educational, cultural, economic, social and other national minority issues.

37. As to violations of national or racial equality, article 69 of the current Criminal Code states:

> "The fomentation of strife or national or racial hatred, the deliberate performance of actions calculated to injure national honour and dignity, and the direct or indirect curtailment of the rights of citizens or the establishment of direct or indirect privileges based on nationality or race shall be punishable by deprivation of liberty for up to three years."

38. Under article 228, paragraph 1, of the proposed new Criminal Code, it is a criminal offence to foment national, racial or religious hatred or any actions injurious to national dignity, if such acts are committed in public or through the mass media.

39. Armenia is pressing ahead with the process of democratic transformations. It is a signatory to over 40 international human rights conventions and treaties. The judicial system has been reformed. The following legislative acts have been passed:

Civil Code of the Republic of Armenia;

Code of Civil Procedure of the Republic of Armenia;

Code of Criminal Procedure of the Republic of Armenia.

40. The following statutes have also been passed:

Judicature Act;

Status of Judges Act;

Office of the Procurator Act;

Legal Profession Act;

Arbitration Tribunals and Arbitral Proceedings Act;

Judicial Decisions (Enforcement) Act;

Judicial Decisions (Enforcement Service) Act.

41. The Criminal Code is currently at the final stage of consideration. In order to meet the commitments which it entered into on joining the Council of Europe, Armenia will shortly be drawing up laws establishing the institution of an ombudsman and governing alternatives to military service, the mass media, national minorities, and non-governmental organizations (NGOs).

42. A Human Rights Commission reporting to the President was established in April 1998. This body is seen as an essential and very important step on the way to establishing the institution of an ombudsman. The Commission deals with cases involving the examination and restoration of infringed rights, and also acts to prevent human rights violations. Thanks to the Commission's efforts, an ombudsman bill has been prepared and submitted to the National Assembly. The Commission is made up of 17 representatives of voluntary organizations, State structures, national minorities, independent legal experts and journalists.

43. The establishment of the Coordinating Council of National Minorities reporting to a Presidential adviser was an important advance in the protection of minority rights. This body was officially established on 12 March 2000 at the first congress of Armenian minority ethnic and cultural organizations.

44. The Coordinating Council represents a transitional phase in the establishment of a separate State structure for national minorities. Giving effect to its decisions is the prerogative of the Presidential adviser's staff. The Council's Coordinator - an official of the Presidential staff responsible for national minority issues - is the point of contact between it and the Presidential adviser.

45. The Council consists of 22 representatives of the 11 national minorities (Assyrian, Belarusian, Greek, Georgian, Jewish, Yezid, Kurdish, German, Polish, Russian and Ukrainian). It has its own charter. The following notional areas of activity have been agreed upon:

Direct involvement in drafting bills with an eye to the interests of national minorities;

Formulation of recommendations to the Government and specific ministries with due regard to the needs of minorities; cooperation with local government bodies;

Coordination of political, economic, ethnic and cultural questions affecting national minorities;

Consideration of proposals, reports, and complaints from citizens and organizations;

Public information and publishing activities;

Organization of congresses, conferences, conventions, seminars, exhibitions, etc.;

Organization and conduct of charity events and execution of programmes to develop minority cultures, languages and traditions;

Establishment of ties with the ethnic homelands of national minorities and ethnic diasporas in other States.

46. In spite of the difficult socio-economic situation, Armenia is forging ahead with democratic reforms, including protection of national minorities and respect for their ethnic, linguistic and religious identity. Armenia's national minorities, as an integral part of Armenian society, are experiencing the same problems as the rest of the population.

47. Armenia is unfailing in its commitment to comply with international standards on the rights of national minorities, as enshrined in the conventions and declarations of the United Nations and other international organizations to which it is a signatory, including the Convention Guaranteeing the Rights of Persons Belonging to National Minorities in Countries of the Commonwealth of Independent States (CIS) (October 1994) and the Council of Europe Framework Convention for the Protection of National Minorities (February 1995).

48. There is a rapidly growing number of voluntary national and cultural organizations, associations and centres which have done much to maintain and develop national languages, cultures and religious identity and establish close contacts with kindred communities and organizations abroad.

49. Many of the problems which arise in securing the application of the rights of national minorities can be ascribed to the difficult economic situation in Armenia, which makes it hard to take full account of requirements in the social sphere, employment, culture, education and public health, i.e. the main focus of national minority interests.

Refugees

50. The Refugees Act was passed in March 1999. There are currently 311,000 refugees in Armenia. Article 1 of the Act defines a refugee as "a non-Armenian citizen who, having good reason to fear persecution on the grounds of race, nationality, religion, membership of a defined social group, or political views, is outside the State of which he or she is a citizen and is unable or unwilling to avail himself of the protection of that State, or, if a citizen of more than one State, fears that he will be unable to avail himself of the protection of any of those States".

51. Under this statute, lawmakers not only made provision for the unimpeded entry into the Republic of Armenia of persons applying for refugee status, but also included specific articles on their rights and responsibilities. Persons applying for refugee status have the right:

(a) To free interpretation, legal advice, and medical care and services in accordance with a procedure established by the Armenian Government, and information concerning their relatives;

(b) To a lump-sum grant in accordance with a procedure and in an amount fixed by the Armenian Government;

(c) To a response to their application for refugee status.

52. "Persons in temporary accommodation pending examination of their written application for refugee status and a decision thereon must:

(a) Obey the laws of the Republic of Armenia and the procedure and rules established by the appropriate authority for residence in temporary accommodation;

(b) Inform the appropriate authority should they wish to leave the Republic of Armenia;

(c) Leave the Republic of Armenia within five days of receiving a final rejection, provided the order is served in accordance with the procedure established by the competent State authorities;

(d) Undergo a compulsory medical examination." (art. 11)

53. Under the Refugees Act, persons who have been granted refugee status have all the rights and duties established for aliens and stateless persons, including the right to freedom of thought, speech, conscience and religion, freedom of movement, and the right to own property, and the same rights and duties as Armenian citizens regarding family relations and the right to social protection, etc.

54. As to guarantees of refugees' rights, article 19 of the Act states that "in exercising the rights and freedoms accorded to them under Armenian law, refugees shall enjoy the patronage and protection of the Republic of Armenia".

55. "No one shall have the right to expel a refugee from the Republic of Armenia, except in the cases specified by this Act."

56. "If a refugee is detained, remanded in custody, formally charged with a criminal offence or forbidden to leave the Republic of Armenia, the relevant officials shall within 24 hours so inform the appropriate authorities and the representative of the Office of the United Nations High Commissioner for Refugees in the Republic of Armenia."

57. "No refugee may be returned against his will to the country which he has left or be sent to another country where his life or liberty would be endangered."

58. The law also provides for acquisition of Armenian citizenship by refugees in accordance with the procedure laid down in the Citizenship Act. "The relevant State bodies shall within the bounds of their authority help refugees to acquire Armenian citizenship." (art. 23)

59. Pursuant to the Convention relating to the Status of Refugees (Geneva, 1951), and in accordance with the Refugees Act, the Armenian Government decided in 1999 to issue refugees with a "refugee identity card" and a "travel pass". The Government's Department for Migration and Refugees has devised a programme to tackle the housing problems faced by refugees.

Article 2

60. As noted above, the Constitution guarantees the supremacy of the law. Ratified international treaties are incorporated into the Armenian legal system, and in the event of conflict between the norms contained therein and national laws, it is the treaty norms that apply.

61. In judicial and administrative practice it is permitted to cite the provisions of human rights conventions, including the Convention on the Elimination of all Forms of Racial Discrimination. To facilitate their application, the necessary measures are being taken to implement these provisions in domestic law.

62. Article 17 of the Armenian Constitution states that everyone has the right to life. However, the Constitution permits the use of capital punishment until such time as it is abolished. As the ultimate form of punishment, it may be prescribed by law for particularly heinous crimes. However, the application of capital punishment (the death penalty) has been suspended in Armenia. Since 1991 there has been a moratorium on executions, and the draft general provisions of the new Criminal Code make no provision for the death penalty as a form of punishment (art. 47). It will be replaced by life imprisonment.

63. Armenia currently has five remand prisons, one prison, five corrective labour colonies, one central hospital for detained persons, and two open prisons in Erevan and Megri. Figures for 1 March 2000 indicate approximately 7,000 persons sentenced by a court or under investigation.

64. Since independence the Armenian National Assembly has approved four amnesties: the first in 1992, applicable to 1,257 people of whom 876 were released; the second in 1995 (1,084 people, 831 released); the third in 1997 (905 people, 708 released); and the fourth in 1998 (1,131 people, 892 released). The most recent amnesty was adopted on the occasion of the two thousand, seven hundred and eightieth birthday of the city of Erevan.

65. The previous periodic report quoted in detail the articles of the Constitution pertaining to racial discrimination and human rights.

66. It may be added that article 42 of the Constitution prohibits the use of evidence obtained in violation of the law. Article 105 of the Code of Criminal Procedure prohibits the consideration, as grounds for a criminal indictment or as evidence, of material obtained by means of violence, threats, deception, mockery or other unlawful actions.

67. There are currently 97 political parties and movements, 2,490 non-governmental organizations and 198 foundations officially registered in Armenia. Many of them, as noted in paragraph 201 of the previous report, are involved in disseminating human rights information, translating material and organizing seminars.

Article 3

68. In view of the need to establish full and genuine equality so as to further strengthen the identity of national minorities, consolidate the foundations of a democratic State governed by the rule of law, and stabilize political events on the basis of the familiar norms and principles of international law, as already stated at the beginning of the report, Armenia is drafting a bill on national minorities which will be referred for parliamentary consideration in the near future.

69. The bill seeks the prohibition and suppression of all forms of racial discrimination and is intended to ensure the equality of all citizens before the law, without distinction as to race, skin colour, and national or ethnic origin.

70. It also provides for the protection of the political, economic, social, legal, ethnic, linguistic, cultural, and religious rights of national minorities, ensures that they have an equal right of access to education, etc., and lays down rules guaranteeing their right to take part in the conduct of public affairs.

71. Members of national minorities who are also citizens of the Republic of Armenia are guaranteed the opportunity to take part in the conduct of public affairs. To this end, plans are being made to establish a department for national minority affairs within the government apparatus.

72. National minorities are not represented in the National Assembly. Approximately 15 representatives of national minorities occupy high-level posts in local self-government bodies in rural areas. Plans are in hand to establish committees and supporting organizational structures in the administrative bodies and local governments of areas inhabited by national minorities.

73. Advisory services established and operated in accordance with procedures laid down by the relevant bodies may be formed voluntarily from the representatives of national minorities in administrative bodies.

Article 4

74. According to the Armenian Ministry of Internal Affairs and the Presidential Commission on Human Rights, there are no statistics on racially motivated crimes, complaints or judicial decisions concerning racial discrimination for the reason that no such cases have occurred.

75. As already noted in the previous report, article 69 of the Criminal Code states that "propaganda or agitation intended to incite racial or national enmity or strife, and also the direct or indirect curtailment of the rights of citizens or the establishment of direct or indirect privileges based on race or nationality, shall be punishable by deprivation of liberty for a term of six months to three years or exile for a term of two to five years". The wording of this article is by no means perfect, but even in its present form the legal rule can have a deterrent effect on the diffusion of the ideas referred to therein.

Article 5

76. The Armenian Constitution enshrines the most important of democratic norms, namely the equality of all citizens before the law, and bestows equal rights upon them irrespective of nationality, race, sex, language, creed, political and other views, social origin, wealth or other status.

77. Armenian criminal law is being reformed. The draft of the new Criminal Code also makes it an offence to commit an act with an undisclosed racist subtext.

78. Article 15 of the Code of Criminal Procedure specifies that, in the course of criminal proceedings, all parties with the exception of the body conducting the proceedings have the right to express themselves in the language in which they are fluent.

79. Pursuant to a decision of the body conducting criminal proceedings, parties to the proceedings who are not fluent in the language of the proceedings shall, free of charge, be given the opportunity through the assistance of an interpreter, to exercise all their rights as specified in the Code.

80. Persons not fluent in the language of the criminal proceedings shall be supplied with certified copies of the documents for submission, translated into a language in which they are fluent.

81. The Elections Act was adopted on 17 February 1999. Article 3 of this Act states that "citizens having the right of suffrage shall be entitled to vote and stand for election, irrespective of nationality, race, sex, language, creed, political or other views, social origin, wealth or other status. Any restriction of the right of suffrage on the grounds listed above shall be prosecuted according to law".

82. Article 4 of the Act defines "equal suffrage" as follows:

(i) Citizens shall take part in elections on an equal footing;

(ii) Voters shall have an equal number of votes;

(iii) The State shall afford its citizens equal conditions in which to exercise their right of suffrage.

83. A snap presidential election, as provided for under the Constitution, was held in March 1998. Representatives of a number of international and non-governmental organizations were present as observers. Comparing the 1998 presidential election with that of 1996, the observers were of the opinion that the latest election, although flawed in some ways, represented a further step along the road to democracy.

84. In 1994 the National Assembly adopted the Aliens (Legal Status) Act, which regulates the residence of aliens, refugees and stateless persons.

85. Article 11 of the Code of Criminal Procedure states that everyone has a right to liberty and inviolability.

86. The Armenian Constitution proclaims freedom of thought, conscience and religion (art. 23).

87. Essential information about freedom of thought, conscience and religion was submitted in the previous report (paras. 125-135). As noted in paragraph 129, after the proclamation of independence, one of the first laws to be adopted by the State was that on freedom of conscience and religious organizations, article 1 of which states that "every citizen shall freely decide his attitude to religion and shall have the right to practise any religion ... and to perform religious rites, individually or in association with others".

88. As of January 2000, 14 different religious movements were officially registered in Armenia:

The Armenian Apostolic Church;

The Russian Orthodox Church;

The Armenian Catholic Church;

The Yezid religious community;

The Jewish community;

The pagan community;

The Baha'i community;

The Mormons;

The Baptists;

The Evangelists;

The Pentecostalists;

The Seventh Day Adventists;

The Charismatics;

The New Apostolic Church.

The Jehovah's Witnesses and the Krishna Consciousness Society operate without registration.

89. Armenia is the oldest Christian State. In 2001 Armenians will celebrate the one thousand seven hundredth anniversary of the adoption of Christianity. The Armenian Apostolic Church maintains a proper attitude to the other legally protected religious organizations and communities in the country. The present head of the Armenian Church is the Catholicos of All Armenians, His Holiness Garegin the Second. The Catholicos resides 15 kilometres from the capital in the city of Echmiadzin.

90. As noted in the previous report, the legal basis for forming and joining trade unions consists of the Constitution and the Code of Labour Legislation of the Armenian Soviet Socialist Republic, as amended. To enable trade unions to operate in the new economic climate, the President issued a decree on the operation of trade unions during the transition to a market economy on 25 January 1993, and another on 27 April 1993 validating the procedure for the conclusion of agreements between the Government and the Armenian Confederation of Trade Unions on questions of wages, pensions, benefits, indexation of personal incomes, and occupational safety.

91. There are no legal restrictions on workers forming or joining trade unions in Armenia. However, article 25 of the Constitution states that there may be restrictions on the right to form associations, including trade unions, for persons belonging to the armed forces and the law enforcement agencies.

92. The National Assembly adopted the Trade Unions Act, submitted by the Armenian Confederation of Trade Unions, in December 2000.

93. Work on a new Code of Labour Legislation, which has been well received by the International Labour Organization (ILO), is almost complete. The draft code makes provision for detailed regulation of the work of trade unions and associations of trade unions, the formation of employers' organizations, and issues pertaining to pay, occupational safety, labour disputes, etc.

94. Further to paragraph 144 of the previous report, it should be noted that the Armenian Confederation of Trade Unions proposed that the Government should put forward for ratification a number of ILO conventions of which the following have been ratified by the Republic of Armenia (date of ratification indicated in brackets):

Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (21 December 1993);

Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation (21 December 1993);

Convention (No. 122) concerning Employment Policy (21 December 1993);

Convention (No. 135) concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking (21 December 1993);

Convention (No. 151) concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service (21 December 1993);

Convention (No. 174) concerning the Prevention of Major Industrial Accidents (6 November 1995);

Convention (No. 176) concerning Safety and Health in Mines (12 October 1998).

Two of the eight fundamental ILO Conventions (Nos. 100 and 111) have been ratified. Three others are being ratified, namely the Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise; Convention (No. 81) concerning Labour Inspection in Industry and Commerce; and Convention (No. 98) concerning the Application of the Principles of the Right to Organise and to Bargain Collectively.

95. Paragraph 145 of the previous report presented an overview of trade union organizations. The Armenian Confederation of Trade Unions currently brings together 26 sectoral unions, including 16 municipally based, 227 district-based, and 8,017 primary trade union organizations with a total membership of 624,902.

96. The draft Code of Labour Legislation regulates the exercise of the constitutional right to strike:

The rights and obligations of employers and striking workers;

The consequences of strikes;

The strike committee;

Restrictions on strikes;

The role of trade union associations and employers' associations in the settlement of collective labour disputes, etc.

97. Under the Employment Act of 26 December 1996, "unemployed" means an out-of-work person of working age who is able to work, who is looking for work and is not receiving a statutory pension. The person must also have worked for at least one year, have applied to the State employment service for work placement, and be officially designated as unemployed. According to statistics from 1998, the unemployment rate was 9.3 per cent; in May 1999 it rose substantially, to 11.1 per cent. The *marzer* (provinces) of Shirak, Syunik, and Lori have particularly high unemployment rates of 20.6 per cent, 17.8 per cent, and 14.7 per cent respectively.

98. The State employment service designates out-of-work job-seekers as officially unemployed within 10 days of their presenting the necessary documents.

99. Unemployed persons are entitled:

(a) To receive free vocational guidance and information about vacancies;

(b) To make a free application regarding choice of and placement in suitable work;

(c) To challenge the actions of the State employment service and its officials and directors in the courts.

Unemployed persons are also entitled:

(a) To free training and further training;

(b) To compensation for the outlays incurred in being assigned to a job in another location, in accordance with a procedure established by the Armenian Government;

(c) To receive money from the employment fund, in accordance with the procedure and on terms specified by the Armenian Government, to engage in entrepreneurial activity and create jobs.

The social sphere

100. The social welfare system applicable in Armenia since 1991, as established by Presidential decree, is not without its shortcomings. A system of personal (individual) accounting has not been introduced, and pension amounts are not dependent on paid-in contributions. A system of family benefits covering 230,000 people was introduced on 1 January 1999. This system does not yet extend to the problem of social protection.

101. As noted in paragraph 165 of the previous report, pension provision for Armenian citizens is guaranteed by a new statute, the State Pensions Act, which was adopted by the National Assembly in December 1995. Under this statute, every citizen is entitled to a State pension. The Act establishes the following types of pensions or benefits:

(a) Occupational:

Old-age;

Special-category old-age pensions;

Long service;

Disability;

Loss of breadwinner.

(b) Social:

Old age;

Disability;

Loss of breadwinner.

102. The Act extends to aliens and stateless persons resident in Armenia except as otherwise specified in Armenian law and international treaties to which Armenia is a party.

103. Under the 1997 Compulsory Social Insurance Contributions Act, employee social insurance contributions are set at 3 per cent of wages, and employer contributions at 28 per cent.

104. On 2 December 1999 the Armenian Government ratified the principal provisions of its pensions strategy, which describe the planned introduction of a system of voluntary (supplementary) pension insurance payable from State and private pension funds.

Additional information about paragraphs 168-172 of the previous report

105. Length-of-service pensions are paid to staff working in various disciplines in the education system, cultural affairs, civil aviation and the world of sport, as follows:

(a) In culture and education, to women with 25 years' service at age 50 and men with 30 years' service at age 55;

(b) To staff in certain civil aviation jobs, where the pensionable age can vary from 40 to 55 and the period of qualifying service, from 7 to 25 years;

(c) In the world of sport, to persons reaching the age of 45 with significant sporting achievements to their credit.

106. Persons who are not entitled to an occupational pension qualify for an old-age pension at age 63 (for women) and age 65 (for men).

107. Categories and causes of disability, and, if necessary, the time of onset, are assessed by a medico-social board. People are officially assigned to disability categories I, II and III at age 16 or thereafter. Invalids under 16 are categorized as disabled children (disabled since childhood).

108. An occupational disability pension is payable:

(a) Upon official classification as disabled, as a result of complete or partial loss of capacity to work;

(b) In the event of industrial injury or occupational disease, regardless of length of service;

(c) In the event of sickness generally, whether connected with industrial injury or not, upon completion of a minimum of five years' service.

109. Minor children receive loss-of-breadwinner benefit as follows:

(a) Under the Pensions Act, up to their eighteenth birthday;

(b) Under the Social Security (Military Personnel and their Families) Act, up to their twenty-third birthday.

The education system

110. As noted in paragraph 55 of the previous report, article 35 of the Constitution states that "everyone has the right to education. Secondary education in the State school system is free of charge. Every citizen has the right to receive free higher and other specialized education in State educational establishments on a competitive basis ...".

111. At present, over 674,000 young people are attending the various levels of the education system, and of these an absolute majority are at State educational establishments. This means that over 20 per cent of the population is involved in the education system.

Education system, 1998-1999

Institution	Number of educational establishments	Number of students	Number of teachers	State budget (million dram)
Pre-school establishments, total	856	56 604	7 785	22.7
General education schools[a]	1 459	603 100	63 000[c]	10 326.1[b]
Of which:				
General education day schools	1 407	596 630	62 318	10 239.1
Non-State educational establishments	26	1 590	100	-
Vocational and technical schools	65	4 200	1 809	476.2
Secondary special education colleges	90	28 600	5 238	1 142.1
Of which:				
State-run	78	27 200	4 608	1 142.1
Private	12	1 400	630	-
Higher educational establishments	100	59 700	8 533	2 626.1
Of which:				
State	16	39 770	4 420	2 626.1
Private	84	21 200	4 113[c]	-

Source: Ministry of Education.

[a] Including evening schools.
[b] Not including boarding schools.
[c] Including those who combine teaching with other work.

112. On 1 January 2000 Armenia had 16 State-run higher educational establishments with 10 affiliated institutions and a total student population of 39,770. Of these, 16,541 were studying free of charge on State-requisitioned places and 23,229 were fee-paying. A total of 14,728 students received bursaries.

113. In addition, there were 1,039 foreign students studying in Armenia. Three hundred and seven foreign students enrolled in Armenian higher educational establishments in 1999; of these 39 per cent were women. One hundred and forty-two students graduated from higher educational establishments in the same year.

114. Armenian is the language of instruction for 98.1 per cent of students. Russian is the language of instruction for 1.7 per cent, and 0.2 per cent are taught in other languages. In the academic year 2000, 953 male students and 960 female students enrolled in higher educational establishments on State-requisitioned places. Of those enrolling in departments that charge fees, 1,950 students were male and 2,034 were female.

115. The Language Act of 17 April 1993 stipulates that "in national minority communities, general instruction and education may be offered, in accordance with State curricula and under State patronage, in one's mother tongue, together with mandatory teaching of the Armenian language" (art. 2). Article 1 of the Act states that "the Republic of Armenia guarantees the free use of national minority languages in its territory".

116. The Education Act was adopted on 8 March 1999. It lays down identical principles for all Armenian citizens and identical guarantees of the right to education without any restrictions or discrimination:

> "1. The Republic of Armenia guarantees the right to education, irrespective of nationality, race, sex, language, religion, political or other views, social origin, wealth or other factors. Restrictions on vocational education shall be limited by the law.
>
> 2. The State shall give effect to the right to education through the proper functioning of the education system and the establishment of socio-economic conditions enabling an education to be obtained.
>
> 3. The State guarantees Armenian citizens free general secondary education in State institutions and (on a competitive basis) free secondary, higher and postgraduate specialized education." (art. 6)

117. As noted in paragraph 176 of the previous report, because by law the official language of administration and instruction in Armenia is Armenian, the majority of Russian-educated refugees with specialist training have encountered certain linguistic obstacles in their civic and professional activities.

118. In addition to general-purpose Armenian schools, Armenia currently has three Russian schools and a Russo-Armenian (Slavonic) University. Russian is taught in most schools. Furthermore, 12 schools have departments where all teaching is in Russian. Kurdish is taught in

some classes in areas with large Kurdish populations. Greek is taught at secondary school No. 74, Assyrian at school No. 8, and Persian at school No. 53. Other foreign languages taught in Armenian schools include German, English, French, Spanish and Arabic. The Oriental faculty at Erevan State University has departments of Turkish and Persian studies, among others.

119. Ten Russian-language newspapers and magazines are published in Armenia. National minorities publish the following newspapers and periodicals:

Russky dom, by the Russian Society;

Dnipro, by the Ukrainian Charity Foundation;

Ria Taza, by the Kurdish community;

Golos ezidov, by the Kurdish National Union;

Barekamutyun, by the Armenian-Kurdish Friendship Society;

Botan, by the Kurdistan Committee;

Shangal and *Lalesh*, by the National Committee of Yezids;

Sindzhar, by the Yezid-Kurdish Friendship Community;

Koelet, by the Jewish community.

A colourful Assyrian-language primer has been prepared for publication.

120. Radio programmes are broadcast in Yezid, Kurdish, Russian, Georgian and Assyrian. People in mixed marriages and anyone else who so wishes can listen to programmes in Azerbaijani, Persian, Arabic, Turkish, English and French. Given Armenia's brisk trade and economic ties with the Islamic Republic of Iran, the time allotted to Persian-language broadcasts is being increased.

121. The objectives of education strategy in the next few years are referred to in paragraph 181 of the previous report.

Additional information about paragraphs 182-187 of the previous report

122. Armenia has a rich cultural heritage and a dense network of cultural institutions. The socio-economic problems of the last decade have hit the cultural sector hard. One of the main problems is the lack of a legislative framework. A bill on the fundamental principles of cultural legislation in the Republic of Armenia has been submitted to the Government for consideration. The following are at the drafting stage:

A museums and museum collections bill;

A libraries and library-related matters bill;

A State assistance for cinematography bill;

A cultural assets (import and export) bill (a new, updated version of the 1994 Act).

123. There were 21 working theatres in Armenia in 1998. It is estimated that, on average, 2,024 performances are staged annually and attended by 487,000 theatregoers. Besides Armenian-language theatres, the Stanislavsky Russian Drama Theatre is popular.

124. Two types of show are staged in Armenia: State (at nationwide, regional and district level) and non-State. The Ministry of Culture, Youth Affairs and Sport runs 13 State theatres and a national circus.

125. Theatre in Armenia is experiencing hard times owing to the difficult socio-economic climate - the buildings themselves are in a pitiful state. Until recently, there were practically no performances in winter while the theatres remained unheated for four or five months of the year. The fact that most people lack disposable income is also taking its toll on theatrical life.

126. A government bill to provide social and economic assistance to Armenia's theatres is currently at the drafting stage.

127. Every year a total of 579 concerts are organized in Armenia - 18 performances by foreigners and 245 charity events - attended by 97,400 concertgoers.

128. The Ministry of Culture, Youth Affairs and Sport administers the following concert and musical ensembles: a symphony orchestra, an academy choir, a State chamber orchestra, a string quartet, an ensemble, two dance companies, three folk instrument ensembles, a sacred music centre, three schools, a national arts centre, and a concert hall.

129. Many of the national minorities in Armenia have ethnographic ensembles associated with their communities. Ukrainian choirs for children and adults in Erevan and Vanadzor are especially popular. Concerts given by Assyrian, Russian, Slav, and Greek ethnographical ensembles are very successful.

130. Through the efforts of the Union of Nationalities, a colourful music festival is held every September in Erevan featuring performances by representatives of all ethnic groups. The most recent festival, held in 2000, was the fourth event of its kind.

131. The 98 museums operating in Armenia in 1999 were visited by 763,900 people. Over the past decade Armenia's museums have basically been starved of essential State investment and financial support. The lamentable state of museum buildings is the principal bar to their efficient operation. Another important consideration is the lack of central heating in wintertime, which jeopardizes the preservation of precious museum exhibits. Security, a vitally important consideration for museums, is also very underdeveloped at present because alarm systems either do not work or do not exist. State assistance remains the principal guarantee for regulating the work of museums.

132. Compared with previous years, there have been some positive developments in the world of the fine arts. Museums have stepped up their activities in this field, especially exhibitions. Exhibitions have been organized in Armenia and abroad.

133. Armenia's libraries are beset by the same financial problems, which means that it is all but impossible to procure new books. Even the largest libraries are unable to update their collections. A mandatory deposit bill, which will at least do something to address the problem of procuring books for the country's libraries, is currently at the drafting stage. The system of technical support for libraries and refresher courses for librarians has been virtually discontinued. The work of libraries is also hampered by the lack of essential equipment and technology.

The mass media

134. There are currently 1,146 mass media outlets in Armenia, namely:

193 television companies;

55 radio stations;

27 news agencies;

166 magazines;

675 newspapers.

Article 6

135. The right of equality before the courts and the right to effective protection through competent national tribunals was described in the previous report, and has been covered in this report in connection with article 5.

136. Armenia has reformed its judicial system. Legally speaking, the reform is reflected most clearly in the Armenian Constitution, article 5 of which reads: "State power shall be exercised in accordance with the Constitution and the laws according to the principle of the separation of powers into the legislature, the executive and the judiciary."

137. On 1 October 1999 Armenia signed the Rome Statute of the International Criminal Court. The Court's jurisdiction is limited to the most heinous crimes which are of concern to the entire international community.

138. The institution of court bailiffs that existed prior to the reforms has been replaced by a service for the mandatory enforcement of judicial acts; the law governing this service institutes a genuine safeguard for citizens' and organizations' rights and legitimate interests by enshrining the rule that the mandatory enforcement agent must stay within the law when exercising the rights vested in him, and must not permit the rights and legitimate interests of citizens and organizations to be infringed in any way in the course of his work.

139. Improvements are needed in the Armenian legislative sphere. Efforts by the National Assembly and the Government are gradually moving in this direction.

Article 7

140. Under the Memorandum of Understanding between the Republic of Armenia and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), a number of human rights programmes are being implemented, among which are:

A public awareness programme (every year six television programmes are made about human rights, which are shown on national television and then on regional channels; copies of the programmes are also provided to human rights organizations);

A project to help change the electoral system;

Registration of permanent residents (a working group of experts has been set up to develop new legislation);

Religious and ethnic tolerance (organization of a round table attended by experts from the Council of Europe, OSCE, the Centre for Human Rights, representatives of national and religious minorities, and representatives of the relevant Armenian ministries and departments).

141. Special syllabuses are being developed to teach human rights at all three levels of general education (primary, secondary and higher classes), and also the basic principles of democracy and civil society, which will be or have already been incorporated into the curriculum. Some of these syllabuses are already being taught; others are still at the development stage.

142. The Norwegian Refugee Council has helped to prepare a forthcoming workbook for primary school pupils (years I-III) entitled *Hello, It's Me: My Rights and Responsibilities*. The workbook introduces children to basic human rights concepts.

143. Armenian academic circles are maintaining a keen interest in the study of matters concerning national minorities. A striking example is the recent publication of a work entitled *National Minorities in the Republic of Armenia Today (Volume One)*, which examines in detail the socio-economic, ethnographic, ethnic and cultural, political and legal problems facing Armenia's national minorities.

144. In order to ensure that human rights syllabuses are successfully introduced into primary schools, the Ministry of Education and Science's Centre for the Improvement of Education and the Norwegian Refugee Council are organizing training courses for teachers.

145. In line with the curriculum, a textbook entitled *Human Rights* has been developed for year-VIII pupils. It is divided into the following chapters:

"The concept of human rights" (Human rights and fundamental freedoms, history and development, classification of rights, core international instruments, civil society and by the rule of law);

"Individual rights" (civil and political rights and freedoms; economic, social and cultural rights);

"Collective rights" (rights of national minorities, refugees, the disabled, women and children);

"Human rights protection" (inter-State and national human rights protection mechanisms).

146. Another important development has been the publication of a textbook for senior pupils, Civic Education, and a textbook entitled *Principles of the State and Law* for pupils in years IX-X at the final stage of civic and legal education in general schools.

147. As subjects such as human rights, principles of civil society and the theory of the State and law were incorporated into the general school curriculum fairly recently, the production and publication of relevant guidance material and literature for teachers is of particular importance. Human Rights: *A Manual for Teachers* was published in 1996. Another manual for teachers of years VII-VIII is currently being prepared.